

SECTION 112 OBJECTION AND REJECTION

The Examiner has objected to the specification and rejected Claims 1-7 and 12-20 for failing to provide an enabling disclosure of how to use the invention.

Applicants assert that adequate disclosure of how to use the compounds of the invention has been provided in the specification. Applicants have taught generally and specifically (pages 16-163) how to prepare the compounds of the invention. No undue experimentation would be required for one of ordinary skill in the art to prepare the claimed compounds.

Methods are taught for demonstrating the HIV protease inhibiting activity of the compounds of the invention (page 164). Methods are also taught for demonstrating the ability of the compounds of the invention to inhibit an HIV infection in human cells (page 166). Lastly, methods of administration and doses are taught for using the compounds of the invention for inhibiting an HIV infection (pages 170-173).

Applicants assert that the compounds of the claims are useful as inhibitors of HIV protease. This assertion is supported by the data provided in Table 1 (pages 165-166). In addition, Applicants assert that the compounds of the claims are useful for inhibiting an HIV infection in human cells. This assertion is supported by the data provided in Table 2 (pages 167-168). This data supports the assertion that the compounds of the invention are useful for treating an HIV infection.

In support of the Section 112 rejection, the Examiner cites the Zeffren reference, the Wade reference and the Shutske reference.

Applicants have provided a large amount of data, as discussed above, to support the asserted utility of the claimed compounds. Applicants find no reason stated in the Zeffren reference which would cause one of ordinary skill in the art to doubt the asserted utility of the claimed compounds.

Applicants assert that the generalization in the Wade reference (i.e., only one of a pair of enantiomers produces the desired biological effect) is not accurate. It is well known that there are numerous examples of compounds in which both enantiomers of an enantiomeric pair show the same biological effect.

The Shutske reference relates to the treatment of Alzheimer's disease, not to the inhibition of an HIV infection. Thus Shutske is not relevant to the present invention.

Lastly, the Examiner states that the terms "cycloalkyl", "alkyl" and "alkoxy" are beyond enablement because there is no stated carbon number limitation. Applicants assert that each of these terms and other terms which incorporate the cited terms are clearly and definitely defined, including carbon atom number limitations, in the specification. In particular, "loweralkyl" is defined on page 12 as including from 1 to 6 carbon atoms. The term "cycloalkyl" is defined on page 12 as including from 3 to 7 carbon atoms. The term "alkoxy" is defined on page 13 with reference to the definition of loweralkyl. Therefore, Applicants assert that each of these terms is fully enabled.

In view of all of the above, the Examiner is respectfully requested to reconsider and withdraw the objection and rejection under Section 112.

SECTION 101 REJECTION

The Examiner has provisionally rejected Claims 1-10 and 12-20 under 35 U.S.C. 101 as claiming the same invention as that of the claims of copending applications Serial No. 07/998,114 and Serial No. 08/185,666. Applicants assert that Serial No. 07/998,114 is abandoned. Applicants assert that the compounds claimed in the present invention are not the same as those claimed in Serial No. 08/185,666. The Examiner should note that the compounds claimed in Serial No. 08/185,666 have an aza moiety (i.e., -N(R)-NH-) in the backbone of the structure. Such an aza moiety is not present in the compounds of this invention.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the Section 101 rejection.

SECTION 102 REJECTION

The Examiner has provisionally rejected Claims 1-10 and 12-20 under 35 U.S.C. 102 (e) as being anticipated by copending applications Serial No. 07/998,114 and Serial No. 08/185,666. As stated above, Serial No. 07/998,114 is abandoned and Serial No. 08/185,666 does not claim the same invention as does the present invention.

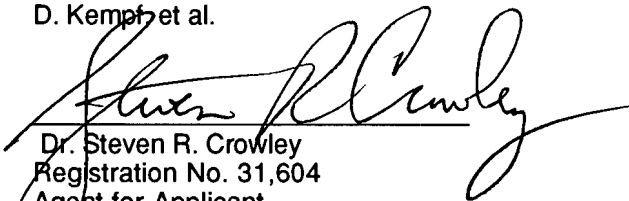
In view of the above, the Examiner is respectfully requested to reconsider and withdraw the Section 102 (e) rejection.

ACTION REQUESTED

In view of all of the above, reconsideration and allowance of Claims 1-10 and 12-20 (as amended) and Claim 29 (newly added) is respectfully requested.

Respectfully submitted,

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